

REMARKS

Specification

The Abstract was objected to for inclusion of the word “disclosed.” Applicant has canceled “is disclosed” from the Abstract, and allowance is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 1-4 were rejected under 35 U.S.C. § 112 ¶2 for being indefinite for not distinctly claiming the subject matter which the Applicant regards as his invention. Specifically, the Examiner stated there was an inconsistency between the preamble and the body of the claim. Applicant has amended the preamble to clarify the subject matter that the Applicant regards as the invention. Applicant is claiming a camming mechanism in combination with the sleeve members. When reading the preamble in the context of the claim, the preamble is used to establish the relationship between the camming mechanism and the sleeves. It is necessary to recite language of the preamble again in the body of the claim so that the elements are recited properly to distinctly claim the camming mechanism and also to note the proper spatial relationship and arrangement of the elements of the camming mechanism. The preamble of the claim sets forth the use of the present invention, i.e., to maintain a spaced relationship between two sleeve sections, and the body recites the limitations of the present invention, i.e. a camming mechanism for the noted sleeve sections. As such, Applicant believes that the proper and distinct scope of the claim is recited and allowance of claims 1-4 is requested. *See* MPEP § 2111.02.

Claim 13 was rejected for antecedent purpose. Specifically, the Examiner stated that the phrase “at least one of said guide rails” does not have antecedent basis on the phrase “at least one longitudinally extending guide rail.” While Applicant respectfully disagrees, claim 13 has been amended to clarify the antecedent basis between claims 10 and 13. The amendment should not be considered as limiting the scope of the claims. Allowance of claim 13 is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-7, 9-11, and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Agee, U.S. Pat. No. 6,546,880. Agee does not anticipate the present claims, as it is non-analogous art and, also, does not include all of the elements of the present claims. Agee discloses a work table, such as a draftsman’s table (Col. 1, lines 30-50). Agee does not contemplate supporting a person, as is the

purpose of the present application and claims. Agee states that “computers and monitors” are relatively heavy” (Column 1, lines 38-39), suggesting that the Agee device should be used as a work table that could support an object approximately the weight of a computer. Such a table would not be operable to support a human patient, which is necessary for an examination table according to the present invention. As such, Agee is non-analogous art that does not show or suggest any possible way to make an examination table that is operable according to the present invention.

More importantly, Agee also does not recite the elements claimed in the present invention. In independent claim 1, from which claims 2-4 depend, the elements are recited for a distinct purpose, which is keeping a predetermined distance between a pair of nesting sleeve members. Agee does not show such a structure. That is, Agee does not show the described camming mechanism for the intended use, which is an important aspect of the present invention. The present arrangement allows for the sleeve members to easily slide relative to one another without being compromised, regardless of the weight or force applied to the sleeve members. Agee does not show sleeve members, as it is only contemplated for use on a work table discussed for supporting a computer. Further, Agee does not show a camming mechanism as spatially arranged in the claims. For example, claim 2 requires the guide rail to be attached to one of the noted sleeve members and the cam followers to be attached to the other of the sleeve members. Figure 3 of Agee shows the cam members 31 supported by a chain 40 and sprocket 44 arrangement, and not a cam member or members spatially positioned on an opposing sleeve member as claimed in the present invention. Because Agee does not show the recited elements of the claims in the claimed arrangement, Agee cannot anticipate the claims. Allowance of claims 1-4 is requested.

Furthermore, Agee does not show a pair of nesting sleeve members as recited in claim 5. Rather, it shows a base section and a sleeve section. Even if the base section of Agee as a whole was considered a sleeve section, it is not a nesting sleeve section as presently claimed. Figure 3 of Agee shows only a portion of the support column and not an entire support column. The entire base section is not shown, but only one end section of the base section. The portion of the base shown in Figure 3 could not support a table in a functional manner, as the table of Agee would fall over without the other end of the base section, as shown in Figure 1. Agee should be properly read as the specification recites; it has two separate base sections (12 and 13, see Figure 1) and not a sleeve section, wherein each of the separate base sections separately interact with the ends of a lift 17. As such, the base section 12 and 13 are not analogous to a sleeve section as claimed, and do not nest

with the lift 17. If Agee did have nesting sections as claimed in the present application, base sections 12 and 13 would interfere with one another and Agee would become inoperable.

Also, Agee does not show a guide rail supported by a sleeve section and the cam members supported by the other sleeve section, as is recited in claim 5. Figure 3 of Agee shows the cam members 31 supported by a chain 40 and sprocket 44 arrangement, and not a cam member or members supported by a sleeve member as claimed in the present invention. Because Agee does not show the recited elements in the claimed arrangement, Agee cannot anticipate claim 5, or claims 6, 7, and 9 that depend from claim 5. Allowance of these claims is requested.

Agee does not anticipate independent claim 10, or claims 11 and 13 that depend from claim 10. Agee has a base section and one sleeve section, not a plurality of sleeve sections. Agee does not disclose the elements of the present invention, as claimed in claims 10-13. Agee should not be reconfigured, rearranged or broken apart into separate elements in a manner that would make it inoperable to suggest that it meets the elements of the present claims. Agee does not have a column having a plurality of nesting sections as is presently claimed, and Agee does not anticipate independent claim 10, or dependent claims 11 and 13 of the present invention.

Agee does not show an examination table or similar table as is covered by the scope of the present claims. The table of Agee is inoperable as an examination table. Agee does not have or show nesting sleeve sections and does not have a plurality of nesting sleeves together with a base. Agee does not have a guide rail and cam members as recited and claimed in the present invention. As such, Agee does not anticipate the present claims, and allowance of claims 1-7, 9-11 and 13 is requested.

Claim Rejections – 35 U.S.C. § 103

Claims 8 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Agee in view of Santoro et al., U.S. Pat. No. 6,682,030. As noted above, Agee does anticipate or suggest the features of the present invention, as claimed in claims 5 and 10, and claims 5 and 10 are believed to contain allowable subject matter. Claims 8 and 14 depend from claims 5 and 10 and also are believed to contain patentable subject matter. Allowance is requested.

Claims 10-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Blyshak et al., U.S. Pat. No. 6,886,200 in view of Agee. As noted above, Agee does anticipate or suggest the features of the present invention, as claimed in claim 10, and claim 10 is believed to contain allowable subject matter. Blyshak does not overcome the elements not present in Agee to obviate

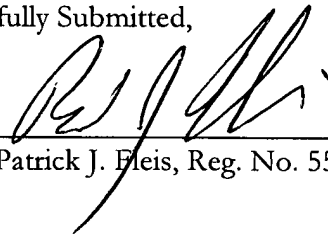
claim 10, or claims 11-18 that depend from claim 10. Further, Applicant would like to note that Blyshak (and Agee) do not teach, show, or suggest a medical examination table that could operate to support a patient with the range of movement as claimed. The Office Action did not address the elements of the dependent claims, such as the weight parameters of claim 12, or the height ranges of claims 16-18. Blyshak makes no suggestion of an examination table with the movement ranges presently claimed and does not teach of such a table, but rather focuses on a specific actuator used. The combination of a work table (Agee) that could not support a patient with a table (Blyshak) that makes no suggestion or teachings for the specifically claimed elements of the presented claims does not obviate the present claims. Allowance of claims 10-18 is requested.

Other Prior Art

Applicant notes the other prior art cited by the Examiner and not relied upon and agrees with the Examiner that the other prior art is not closer to the presently claimed invention than the art cited by the Examiner.

Applicant has amended the Abstract as suggested. Applicant believes the concerns regarding claims 1-4 and 13 and 35 U.S.C. §112 have been clarified with the above amendments and allowance of these claims is requested. No new matter has been added in this amendment. Applicant believes the cited prior art does not show the claimed subject matter of the present application, and Allowance of claims 1-18 are respectfully requested to be passed to Allowance. If there are any outstanding issues, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully Submitted,

By 
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